

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

RICARDO A. CASTILLO,)
)
Plaintiff,)
)
v.) Civil No. 04-210-GMS
)
)
SUPERVISOR FRANK COSTAN,)
et al.,)
)
Defendants.)

ORDER

WHEREAS, Ricardo A. Castillo (“Castillo”), was a prisoner incarcerated at the Howard R. Young Correctional Facility, Wilmington, Delaware at the time he filed this 42 U.S.C. § 1983 action, along with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915;

WHEREAS, on May 11, 2004, the court entered an order and granted Castillo leave to proceed *in forma pauperis*, assessing a filing fee of \$150 and requiring Castillo to pay an initial partial filing fee of \$22.50 (D.I. 5);

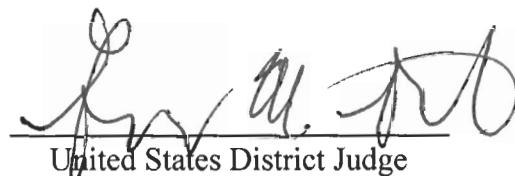
WHEREAS, Castillo has paid a total of \$45.00 toward the \$150 filing fee owed;

WHEREAS, on June 27, 2004, the court received correspondence from Castillo that indicated he had been released from prison and that provided the court with his home address upon release (D.I. 11);

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. *Robbins v. Switzer*, 104 F.3d 895, 899 (7th Cir. 1997); *see also Drayer v. Attorney General*, Nos. 03-2517, 03-2518, 81 Fed.Appx. 429 (3d. Cir. 2003).

THEREFORE, at Wilmington this 17^{r4} day of January, 2006, IT IS HEREBY ORDERED that within thirty days from the date of this order, Castillo shall either pay the balance of the filing fee owed (\$105) or submit a new standard form application to proceed without prepayment of fees and affidavit so that the court may determine whether he is still eligible to proceed *in forma pauperis*.

NOTE: Failure to timely comply with this order shall result in dismissal of this case without prejudice.



United States District Judge

A handwritten signature in black ink, appearing to read "J. R. J." followed by a stylized surname, is written over a horizontal line. Below the line, the text "United States District Judge" is printed in a standard font.